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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
ITS MOTION TO COMPEL TEXT
MESSAGES (DKT. 1117)**

Trial Date: October 10, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Plaintiff's Administrative Motion to File Under Seal Its Motion to Compel Text
6 Messages (Dkt. 1117).

7 2. I have reviewed the following documents and confirmed that only the portions
8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Motion to Compel Text Messages ("Motion")	Red-marked boxes
Exhibit 2	Red-marked boxes
Exhibits 5 and 6	Red-marked boxes
Exhibits 8, 9, 10	Red-Marked boxes
Exhibit 11	Entire Document

17 3. The red-marked boxes on page 1 of Waymo's Motion contain information
18 considered highly confidential by Otto Trucking, for which it has already submitted a declaration.

19 4. The red-marked boxes on page 2 of Waymo's Motion contain information
20 exchanged among counsel in this case that, pursuant to a meet and confer agreement, was agreed
21 to not be used as evidence or be made public in this litigation.

22 5. The red-marked boxes on page 3 of Waymo's Motion, as well as some of the red-
23 marked boxes in Exhibit 11, contain highly confidential information regarding an internal
24 company group's strategic priorities and technical development status at a certain time. This
25 information is not publicly known, and its confidentiality is strictly maintained. If this
26 information were disclosed, competitors would gain knowledge into the development timeline of
27 Uber's self-driving car program, and could use that knowledge to gain an advantage over Uber in
28 this market, such that Uber's competitive standing could be harmed.

1 6. The red-marked boxes of Exhibit 2 contain highly confidential information
2 regarding the structure of a business agreement. This business agreement structure is not publicly
3 known, and its confidentiality is strictly maintained. I understand that disclosure of this
4 information would allow competitors to understand how Defendants structure their business
5 agreement terms, such that competitors could take advantage by tailoring their own business
6 offers. Uber's competitive standing could be harmed.

7 7. The red-marked boxes of Exhibits 5 and 6 contain highly confidential information
8 from text messages among top executives at Uber regarding the following highly confidential
9 subject matter: detailed market strategy plans, business negotiations, ongoing business
10 relationships, technical aspects of Uber's LiDAR design, internal organizational structure, Uber's
11 prioritization of strategic business goals, estimates of various technical and commercialization
12 timelines, and evaluations of competitors. All of this information is not publicly known, and its
13 confidentiality is strictly maintained. If any of this information were disclosed, Defendants'
14 competitors could obtain a competitive advantage by having insight into Defendants' internal
15 communications, analyses, and assessments of company priorities and future business plans. For
16 example, Defendants' competitors could use this information to tailor their own business
17 negotiation strategy, adjust the technical specifications of their sensor designs, re-evaluate their
18 company priorities, and refine their overall market strategy. I understand that Uber's competitive
19 standing could be seriously harmed by the disclosure of this information.

20 8. The red-marked boxes of Exhibits 5 and 6 also contain – in a few instances – the
21 names of individuals at the company who are generally unrelated to this litigation, but who are
22 mentioned in passing. In order to protect their privacy interests, because these individuals are at a
23 company subject to great media attention, Defendants seek to seal this information. On a related
24 note, several red-marked boxes in Exhibits 5 and 6 contain personal information irrelevant to the
25 case, and public disclosure of this information would harm individuals' privacy interests.
26 Defendants request that the Court grant sealing of this material.

27 9. In addition, the red-marked boxes of Exhibits 5, 6, 8, 9, 10, and 11 contain
28 personal contact information of high-ranking current and former company executives, whose

1 privacy could become compromised if disclosed to the public. Defendants seek to seal this
2 information in order to protect the privacy of these current and former executives, as prominent
3 individuals at the company are currently the subject of extensive media coverage. Disclosure of
4 this information for such high-ranking executives could expose them to harm or harassment.

5 10. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's
6 Motion and supporting exhibits that merit sealing.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct. Executed this 11th day of August, 2017, at San Francisco, CA.

9
10
11 /s/ Michelle Yang

Michelle Yang

12
13 **ATTESTATION OF E-FILED SIGNATURE**

14 I, Arturo J. González, am the ECF User whose ID and password are being used to file this
15 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
16 concurred in this filing.

17 Dated: August 11, 2017

18 /s/ Arturo J. González

Arturo J. González